

## **REMARKS**

Reconsideration of this application, based on this amendment and these following remarks, is respectfully requested.

Claims 18 through 68 remain in this case. Claims 63 and 65 through 68 are amended.

A revised Application Data Sheet is filed herewith to correct the Related U.S. Application Data paragraph as required by the Examiner.

The specification is corrected to correct the informalities noted by the Examiner, to the extent comprehensible by the undersigned. It appears that the Examiner is working from the copy of the text as originally filed, rather than from the substitute specification, given the numbering of the paragraph containing the informality. However, it is unclear from either specification where the phrase “what is claimed” is missing from; as such, the undersigned has presumed that the Examiner is asking for restatement of the section heading beginning the detailed description,<sup>3</sup> and has amended that section heading accordingly. In any case, no new matter is presented.

Claims 63 through 68 were rejected under §112 as not complying with the written description requirement, because the claims were found to not be supported in the specification.

Claim 63 is amended to overcome the rejection. The step of applying weighting coefficients is now canceled, and the correlating step is amended to now recite that the correlating is weighted by a weighting coefficient for each of the plurality of tones, consistent with the specification.<sup>4</sup> Dependent claims 65 through 68 are similarly amended, for consistency with the specification and with amended claim 63, upon which they depend.

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<sup>3</sup> See 37 C.F.R. §1.77(b).

<sup>4</sup> Substitute specification for S.N. 10/757,195, paragraphs [0040] and [0041] (“This correlation consists of a multiplication of each complex amplitude supplied from the output of the FEQ in the unit 40 by a corresponding complex amplitude of the synchronizing sequence from the store 58, weighted by the multiplier 64 in accordance with a respective weighting factor . . . . In the simplest case, the weighting coefficients used by the weighting multiplier 64 comprise either a binary 1 or 0 for each tone or complex amplitude, indicating that the tone respectively is or is not being used to contribute to the correlation.”)

Applicants respectfully submit that this amendment to claims 63 and 65 through 68 is sufficient to overcome the §112 rejection. Reconsideration is requested.

Claims 18, 20, 21, 23, 33, and 51 were rejected under the judicially-created doctrine of double patenting of the obviousness type, relative to commonly owned U.S. Patent No. 5,901,180, as re-examined, in view of various references. To advance the prosecution of this application, we enclose a terminal disclaimer in this application, relative to that commonly owned U.S. Patent No. 5,901,180. Applicants submit that this terminal disclaimer obviates the double patenting rejection.

Claims 63 through 67 were rejected under the judicially-created doctrine of double patenting of the obviousness type, relative to commonly owned U.S. Patent No. 6,912,261, as re-examined, in view of the Cioffi et al. reference<sup>5</sup>. To advance the prosecution of this application, we enclose a terminal disclaimer in this application, relative to that commonly owned U.S. Patent No. 6,912,261. Applicants submit that this terminal disclaimer obviates the double patenting rejection.

Based on this response and the foregoing remarks, Applicants respectfully submit that all claims in this case are in condition for allowance. Favorable consideration of this application is therefore respectfully requested.

Respectfully submitted,  
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<sup>5</sup> Cioffi et al., "Modification to DMT Synchronization Pattern Insertion", Submission T1E1.4/93-089 to the T1E1.4 Working Group of Committee T1.